

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FURMAN GILMORE,

Plaintiff,

v.

9:16-CV-1299
(GTS/CFH)

THOMAS MERANTE, Corr. Officer, Columbia Cty. Jail; T. DALLAS, Cpl., Columbia Cty. Jail; CODY ROCKEFELLER, Corr. Officer, Columbia Cty. Jail; DELANEY, Serg., Columbia Cty. Jail; THOMAS W. BUCKLEY, Cpl., Columbia Cty. Jail; GARDNER, Lt., Columbia Cty. Jail; WILLIAM HILSCHER, Lt., Columbia Cty. Jail.; THOMAS H. LANPHEAR, JR., Capt., Columbia Cty. Jail; STEVEN BURGER, Corr. Officer; and FRANK SPANO, Corr. Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

FURMAN GILMORE, 16-A-4869
Plaintiff, *Pro Se*
Bare Hill Correctional Facility
Caller Box 20
Malone, New York 12953

MURPHY BURNS, LLP
Counsel for Defendants
407 Albany Shaker Road
Loudonville, New York 1211

THOMAS K. MURPHY, ESQ.

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Furman Gilmore (“Plaintiff”) against the ten above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”), are Defendants’ motion

for summary judgment, and United States Magistrate Judge Christian F. Hummel's Report-Recommendation recommending that Defendants' motion be granted and that Plaintiff's Amended Complaint be dismissed. (Dkt. Nos. 50, 56.) The parties have not filed objections to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendants' motion is granted, and Plaintiff's Amended Complaint is dismissed in its entirety.

ACCORDINGLY, it is

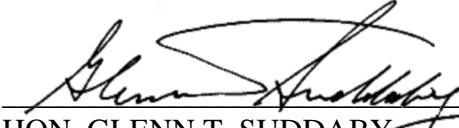
ORDERED that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 56) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 50) is **GRANTED**; and it is further

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

ORDERED that Plaintiff's Amended Complaint (Dkt. No. 32) is dismissed in its entirety.

Dated: September 11, 2018
Syracuse, New York



HON. GLENN T. SUDDABY
Chief United States District Judge